

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

VAN JENKINS,

Plaintiff,

v.

Case No. 2:19-cv-12680  
Hon. Denise Page Hood

DONALD R. COOK, ET AL,

Defendants.

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**ORDER DENYING PETITIONER’S MOTION FOR RECONSIDERATION [ECF No. 7]**

In this prisoner civil rights case the Court denied Plaintiff’s application to proceed in forma pauperis and dismissed the case under the three-strikes rule. See ECF No. 5; 28 U.S.C. § 1915(g). Plaintiff has filed a motion for reconsideration. See ECF No. 7.

Pursuant to Local Rule 7.1(h), a party seeking reconsideration must demonstrate (i) a “palpable defect” by which the court and the parties have been “misled,” and (ii) that “correcting the defect will result in a different disposition of the case.” E.D. Mich. L.R. 7.1(h)(3). A “palpable defect” is an error that is “obvious, clear, unmistakable, manifest or plain.” *United States v. Cican*, 156 F. Supp. 2d 661, 668 (E.D. Mich. 2001).

As the Court stated in its previous order, under the PLRA a federal court may dismiss a case if on three or more previous occasions a federal court dismissed the incarcerated plaintiff’s action because it was frivolous or malicious or failed to state a claim for which relief may be granted. See, 28 U.S.C. § 1915(g) (1996); *Thaddeus-X v. Blatter*, 175 F. 3d 378, 400 (6th Cir. 1999). The three strikes provision of the PLRA prohibits a prisoner who has had three prior suits dismissed for being frivolous from proceeding in forma pauperis in a civil rights suit absent an

allegation that the prisoner is in imminent danger of serious physical injury. See *Clemons v. Young*, 240 F. Supp. 2d 639, 641 (E.D. Mich. 2003).

Petitioner's motion for reconsideration completely fails to address the grounds for dismissal. His motion for reconsideration, as far as the Court can tell, contains additional factual allegations regarding the merits of his underlying claims. The motion presents no arguments why the dismissal under § 1915(g) was incorrect. Plaintiff does not contest that he has at least three strikes, and he fails to assert any exception to the three-strike rule.

Accordingly, it is **ORDERED** that Petitioner's motion for reconsideration, ECF No. 7, is **DENIED**.

Dated: April 8, 2020

s/Denise Page Hood  
United States District Judge